

IN THE UNITED STATES DISTRICT  
MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
HARRISBURG, PA

SEP 21 2022

PER IBL  
DEPUTY CLERK

William Cramer,  
Plaintiff.

Civ.1 No. 1:22-cv-583

v.

J. Bohinski, et al,  
Defendants.

Magistrate judge Martin  
C. Carlson

### AMENDED COMPLAINT

AND NOW, comes the plaintiff, William Cramer, pro se, and files the herein Amended Complaint, averring as follows:

#### 1. INTRODUCTION

1. This complaint is brought pursuant to section 1983 of the Civil Rights Act [42 U.S.C. § 1983] for violations of the Plaintiff's rights under the First and Fourteenth Amendments. Specifically, the plaintiff was

1.

Retaliated against, deprived due process and Denied access to the courts via law library by the Defendants'.

## II. JURISDICTION

2. The court has jurisdiction over the plaintiff's claims of violation of federal constitutional rights under 42 U.S.C. §§ 1331(1) and 1343.

## III. PARTIES

3. The plaintiff, William Cramer, At all times relevant to this action was a prisoner incarcerated at the state correctional institute - Dallas ("SCI-Dallas"), where he currently resides.

where he currently resides.

4. Defendant Jaser Bohinski is an adult individual with a business address at SCT-Dallas, 1000 Folmes Rd, Dallas, PA 18612. He's sued in his individual capacity

5. At all times material hereto, Defendant Jaser Bohinski acted under the color of state law in his capacity as the "Deputy Superintendent of Centralized Services" ("DSCS") at SCT-Dallas. He's sued in his individual capacity.

6. Defendant Ricardo Contreras is an adult individual with a business address at SCT-Dallas, 1000 Folmes Rd, Dallas, PA 18612. He's sued in his individual capacity

7. At all times material hereto, Defendant Ricardo Contreras acted under the color of state law in his capacity as the "Deputy Superintendent of Facility Management" ("DSFM") at SCT-Dallas. He's sued in his individual capacity.

8. Defendant Michael Gayne is an adult individual with a business address at SCI-Dallas, 1000 Fellies Rd, Dallas, PA. 18612. He's sued in his individual capacity

9. At all times material hereto, Defendant Michael Gayne acted under the color of state law in his capacity as the "major of unit management" at SCI-Dallas. He's sued in his individual capacity

10. Defendant Wayne Inriss is an adult individual with a business address at SCI-Dallas, 1000 Fellies Rd, Dallas, PA. 18612. He's sued in his individual capacity.

11. At all times material hereto, Defendant Wayne Inriss ~~acted~~ acted under the color of state law in his capacity as the "corrections classification program manager" ("CCPM") at SCI-Dallas. He's sued in his individual capacity

12. Defendant Francis Depiero is an adult individual with a business address at ~~He's sued in his individual capacity.~~

SCI-Dallas, 1000 Gillies Rd, Dallas, TX 75212.  
He's sued in his individual capacity.

13. At all times material hereto, Defendant Francis Depiero acted under the color of state law in his capacity as plaintiff's "unit manager" ("um") at SCI-Dallas.

#### IV. FACTUAL ALLEGATIONS

14. On November 9, 2021, the plaintiff was transferred to SCI-Dallas from SCI-Forest.

15. Upon plaintiff's arrival to SCI-Dallas the Defendants initiated a "Plan of Action" ("P.O.A.") detailing amongst other things, plaintiff's privileges.

16. On information and belief, Plaintiff's P.O.A. permitted him access to the courts via Law Library.

17. On November 19, 2021, the plaintiff followed the established Law Library "Sign up" procedures for his housing unit by submitting a DC-135A inmate request to staff member to his housing unit's officer in charge ("OIC") in an attempt to use the law library to conduct legal research for a motion that he needed to file for his pro se Civil-Rights lawsuit Docketed at 1:19-cv-83.

18. A short while after the plaintiff submitted his DC-135A to his housing unit O.I.C. requesting law library, Lt. O'Boyle responded to the plaintiff's request stating "Per PRC, All requested materials need to be written to the library. Copies will be sent to the RHU for you. You will not be charged for these copies".

19. On December 1, 2021, while conducting plaintiff's 30-day PRC Review, the plaintiff asked the Defendants' why the plaintiff was not allowed access to the courts via law library

20. Defendant Inness spoke up and informed plaintiff that "PRC has decided that you'll never be allowed to use the law library because we know that you like to sue".

21. Plaintiff began to protest at which time Defendant Depiero began laughing stating "You brought this upon yourself with Filing lawsuits. We here at SCI-Dallas don't give a fuck about your so-called constitutional rights so, protest all you want."

22. Before vacating the vicinity of plaintiff's cell, Defendant R. Contreras

stated "take it on the chin Mr. Cramer and go about your business before we make your life a living hell."

23. Consequently, Plaintiff was unable to conduct his legal research to file the intended motion to re-open discovery for his pro se civil-rights action (1:19-cv-83).

24. On December ~~06~~, 2021, the plaintiff wrote Defendant Bohinski a DC-135A inquiring why he ~~hasn't~~ received law library per the DC-ADM 007 policy.

25. On December 8, 2021, Defendant Bohinski responded back to plaintiff's DC-135A asking ~~the~~ plaintiff if he had requested law library.

26. Approximately Five (5) days later, the plaintiff responded back to Defendant Bohinski stating that plaintiff did request access to the courts via law library and did so in accordance with D.O.C. policy, and that the plaintiff would like to use the law library so that he may properly and adequately prepare for his civil and criminal prosecutions.

27. On December 16, 2021, the plaintiff received Defendant Bohinski's response.

28. Defendant Bohinski informed the plaintiff that he had to request materials through the lieutenant.

29. The plaintiff avers that the alternatives that the Defendants have in place for the plaintiff to access the courts via law library consists of a comprehensive paging system.

30. The plaintiff also avers that such alternative is ineffective, inadequate and is not meaningful due to the fact that plaintiff wouldn't know what material he needed without researching on the law library computer.

31. On December 23, 2021, during PRC Plaintiff attempted to explain to defendant Bohinski that plaintiff had an up-and-coming hearing for Comm of Cambria County v. William Claver case no. 2128-12, where plaintiff had to show cause as to why the courts shouldn't have allowed

his PCRA counsel to withdraw.

32. Plaintiff further explained to Defendant Bohinski that he wouldn't be able to properly and adequately show cause without utilizing the law library.

33. Defendant Bohinski told plaintiff to deal with it.

34. Consequently, on or about February 1, 2022, Plaintiff's PCRA counsel was allowed to withdraw.

35. Contrary to the Defendants' assertions, plaintiff's PCRA counsel was allowed to withdraw and his PCRA was dismissed for being filed too late and not on the merits of plaintiff's petition.

36. On April 6, 2022, Defendants Inness, Contreras, and Repiero made weekly PRC rounds on plaintiff's housing unit.

37. At which time plaintiff requested access to the courts via law library.

38. Defendant Inness responded to plaintiff's request by stating "what did PRC tell you several months ago Mr. Cramer? You not getting law library because we know you like to sue."

39. On information and belief, the Regional deputy Secretary/designee must approve an alternative to the law library.

40. On information and belief, the Regional deputy Secretary/designee did

not approve the alternative that the defendants put in place for plaintiff to access the courts.

41. The Defendants actions in denying plaintiff access to the courts via law library frustrated and impeded and impaired his ability to prepare, research, and present his defenses, motions, and arguments to the courts.

42. Such actions resulted in plaintiff being unable to raise certain defenses, and arguments and the ability to represent himself in his criminal and civil prosecutions.

#### V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

43. On December 11, 2021, plaintiff filed inmate grievance # 958652 for

violations of Plaintiff's 1<sup>st</sup> and 14<sup>th</sup> Amendments against the Defendants.

44. Plaintiff ~~appealed to~~ Facility managers.

45. After the Facility manager denied plaintiff's appeal, Plaintiff ~~appealed~~ to final review exhausting his administrative remedies.

COUNT ONE:

SECTION 1983:

FIRST AMENDMENT UNCONSTITUTIONAL RETALIATION

Plaintiff V. J. Bohinski

46. The averments of paragraphs 1 through 45 are incorporated by reference as if more fully set forth herein.

47. Plaintiff has/had a First Amendment right to be free from Retaliation.

48. This right was violated when Defendant J. Bohinski deprived plaintiff of access to the courts via law library because of plaintiff's constitutional right that he exercised to file lawsuits.

49. Defendant J. Bohinski caused this violation when he actively Retaliated against plaintiff for exercising his constitutional rights to file lawsuits.

50. This violation of plaintiff First Amendment right was a direct and proximate cause of Defendant Bohinski's unconstitutional conduct.

WHEREFORE, Plaintiff seeks all remedies available under §1983, including but not limited to the following:

- a. Compensatory damages in the amount of \$ ~~20~~,000
- b. Punitive damages in the amount of \$ ~~10~~,000.
- c. A trial by jury
- d. Such other relief as this court deems to be appropriate

COUNT TWO:

SECTION 1983:

FIRST AMENDMENT UNCONSTITUTIONAL RETALIATION

Plaintiff v. P. Contreras

51. The averments of paragraphs 1 through 50 are incorporated by reference

as if more fully set forth herein.

52. Plaintiff has/had a First Amendment right to be free from Retaliation.

53. This right was violated when Defendant R. Contreras deprived plaintiff of a constitutional right to access the courts via law library.

54. Defendant Contreras caused this violation when he actively retaliated against plaintiff for exercising his constitutional right to file law-suits.

55. This violation of plaintiff's First amendment right was a direct ~~cause~~ of Defendant Contreras' conduct of depriving plaintiff access to the courts via law library.

WHEREFORE, Plaintiff seeks all remedies available under §1983, including but not limited to the following:

a. Compensatory damages in the amount of \$20,000

b. Punitive damages in the amount of \$10,000

c. A trial by jury

d. Such other relief as this Court deems to be appropriate.

COUNT THREE:

SECTION 1983:

FIRST AMENDMENT UNCONSTITUTION RETALIATION

Plaintiff v. M. Gayle, W. Laniss  
and F. DePiero

56. The averments of paragraphs 1

through 55 are incorporated by reference as if more fully set forth herein:

57. Plaintiff has/had a first amendment right to be free from retaliation.

58. This right was violated when defendants' Gayne, Iniss and Represio deprived plaintiff of a constitutional right to access the courts via law library.

59. The Defendants' caused this violation when they actively retaliated against plaintiff for exercising his constitutional right to file lawsuits.

60. This violation of plaintiff's first amendment right was a direct cause of the Defendants depriving

plaintiff access to the courts via  
law library.

WHEREFORE, Plaintiff seeks all  
remedies available under §1983,  
including but not limited to the following:

a. compensatory damages in the  
amount of \$20,000. against each  
defendant

b. punitive damages in the  
amount of \$10,000 against each  
defendant

c. A trial by jury

d. Such other relief as this  
court deems to be proper.

COURT FEAR!

SECTION 1983: First and

SUPPLEMENTAL AMENDMENT DENIAL OF ACCESS TO  
THE COURTS

Plaintiff V. J. Bohmski, R. Contreras, M.  
Gayre, W. Hicks, and F. Depiero

61. The averments of paragraphs 1 through 60 are incorporated by reference as if more fully set forth herein.

62. Plaintiff has/had a 1st and 14th Amendment to access the courts

63. Those rights were violated when the Defendants retaliated against Plaintiff for filing lawsuits by depriving him access to the courts via law library.

64. The Defendants caused these violations when they actively deprived Plaintiff access to the courts via law library.

65. These violations of Plaintiffs 1st and 14th Amendment rights was a direct and proximate cause of the Defendants unconstitutional retaliation aimed at plaintiff for filing law-suits.

WHEREFORE, Plaintiff seeks all remedies available under § 1983, including but not limited to the following:

a. Compensatory damages in the amount of \$20,000 against each Defendant

b. Punitive damages in the amount of \$10,000 against each defendant.

c. A trial by jury.

d. Such other relief as this court deems to be appropriate.

COUNT FIVE:

SECTION 1983:

14th Amendment DENIAL OF DUE PROCESS

Plaintiff v. Behinski, Contreras, Goyne  
FARISS & Depiero

66. The averments of paragraphs 1 through 65 are incorporated by reference as if more fully set forth herein.

67. Plaintiff has/had a constitutional right to Due process.

68. This right was violated when Defendants' Retaliated against plaintiff and Denied him access to the courts via law library.

69. Defendants' caused this violation when they actively retaliated against plaintiff Denying him access to the courts via law library because

he exercise his constitutional rights to file lawsuits.

20. This violation of plaintiff's 14th amendment was a direct and proximate cause of the Defendants' conduct of unconstitutional retaliation, denial of access to the courts, aimed at plaintiff for filing lawsuits.

WHEREFORE, Plaintiff seeks all remedies available under §1983, including but not limited to the following:

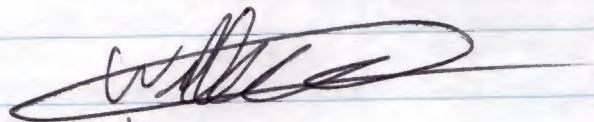
a. compensatory damages in the amount of \$6,000 against each defendant

b. punitive damages in the amount of \$5,000 against each defendant

c. A trial by jury.

2. Such other relief as this Court seems to be appropriate.

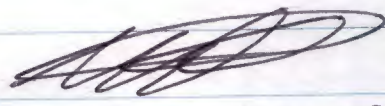
Respectfully submitted this  
1st day of September, 2022.

  
William Croner

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I,  
William Croner, declare and verify,  
under penalty of perjury under  
the laws of the United States of  
America, that I have read the  
 foregoing and that it is true and  
correct to the best of my belief and  
knowledge.

Dated this 1st day of September  
2022.

  
William Croner

William Cramer #JD7940

Sch-Dallas

1000 Fallnes Rd

Dallas, TX 75212

September 15, 2022.

Clerk of Courts

228 Walnut St

P.O. Box 983

HBG, TX 75208

IN RE: Case No. 1:22-CV-583

Enclosed is a copy of my Amended complaint (25 pages with 5 pages of exhibits). And, also my 21 page brief in opposition to the defendants motion to dismiss which was mailed to you on Sept 15, 2022, Please take into consideration it takes approximately 3 to 5 days for my institution to process my cash slip to mail my legal mail. So it might arrive after 9/19/22!

